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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,987	09/17/1999	ALLEN DEAN MAMMEL		1737

31625 7590 10/07/2003

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EXAMINER

ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/398,987

Applicant(s)
MAMMEL

Examiner
KURT ROWAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 17, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-44 and 47-58 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-58 is/are allowed.
- 6) ☒ Claim(s) 42-44 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42, 43, 44, 47, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. 2,304,513 A in view of the Uni-Knot and Flye, Sr. for substantially the same reasons stated in the last Office Action.

G.B. '513 A shows a fishing hook having a shank 24, a curved end 25 terminating in a point 21 having a barb 22. G.B. '513 a shows a blocker 23 to prevent the line from sliding off the hook.

The Uni-Knot shows a knot with a sliding loop having first and second sections and first and second ends. The Uni-Knot shows a single loop. The patent to Flye shows a line 21, 22 having a knot 28-31 in fig. 6 having first and second loops. In reference to claims 42-44, it would have been obvious to provide G.B. '513 A with a sliding loop such as shown by the Uni-Knot. The combination of G.B. '513 A in view of the Uni-Knot and Flye show the sliding loop knot releasably engaged the fishing line with the eye. It would further have been obvious to add a

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second loop to the Uni-Knot as shown by Flye for the purpose of increasing the strength of the knot. It would have also been obvious, given one loop, to add a second loop for multiplied effect. See *In re Harza*, 124 USPQ 378. In reference to claim 47, G.B. '513 A shows a blocker projecting outwardly with respect to the distal end in Figs. 6 and 10. In reference to claim 48, G.B. '513 A shows the blocker further comprising a barb in Fig. 10.

3. Claims 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over G.B. 2,304,513 A in view of the Uni-Knot.

The G.B. patent application '513 A has been discussed above and shows a fishing hook having an eye with a blocker as shown in Figs. 5-17 and a loop as shown in Fig. 5. The blocker does not cross the shank. In reference to claims 49 and 50, G.B. '513 A shows all of the elements recited with the exception of loop being a sliding loop. The Uni-Knot shows a sliding loop. It would have been obvious to provide G.B. '513 A with a sliding loop as shown by the Uni-Knot since merely one loop is being substituted for another and the function is the same. In reference to claim 51, G.B. '513 a shows the distance between the distal end of the eye and the shank equal to approximately twice the diameter of the line. In reference to claim 52, G.B. '513 a shows the shank having a diameter and the eye having a diameter at least approximately twice the diameter of the shank. In reference to claim 53, see the rejections of claims 51-52, above. Also, the exact size relationships between two elements is normally determined through routine experimentation. See *In re Jones* 162 USPQ 224 and *In re Aller et al.* 105 USPQ 233.

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Allowable Subject Matter

4. Claims 54-58 are allowed.

Response to Arguments

5. Applicant's arguments filed July 17, 2003 have been fully considered but they are not persuasive. Applicant argues that G.B. 2 304 513 A teaches away from a fishing apparatus having an eye in combination with the other features as defined in claim 42. Applicant further argues that G.B. 513 A teaches an eyeless hook. However, an inspection of the drawing confirms that both the structure shown in the present invention and that of G.B. '513 A are very similar in regard to the line attachment point on the hook or lure be it referred to as an eye or a slip catch. Therefore, the slip catch of G.B. '513 A and the eye of the present invention perform the same function despite being referred to by different names and can be considered as functional equivalents. An eye can be defined as "something that resembles an eye". Under that definition, both the present invention and G.B. '513 A can be considered to have eyes even if G.B. '513 A refers to the element 23 as a slip catch. Note how similar the structure is between the present invention and Figs. 6, 7, 8, and 9, 13 of G.B. '513 A are. The same rational applies to claim 49 also. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is in the knowledge generally available to one of ordinary skill in the art. As to more motivation to combine the Uni-Knot with Flye, the second loop would provide reinforcement to make the knot stronger.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



KURT ROWAN

PRIMARY EXAMINER

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Oct. 5, 2003